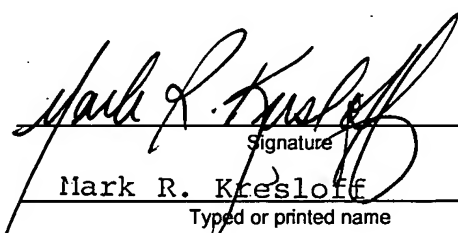


Doc Code: **AP PRE REQ**

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		9988.058.00	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number	Filed	
	10/663,997	09/17/2003	
	First Named Inventor	LEE, Soon Jo et al.	
	Art Unit	Examiner	
	3749	Gravini, S.M.	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. 42,766			
Registration number			
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.			
Registration number if acting under 37 CFR 1.34 _____			
		 Signature	
		Mark R. Kresloff	
		Typed or printed name	
		(202) 496-7500	
		Telephone number	
		August 3, 2005	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>One</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Docket No.: 9988.058.00-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Soon Jo LEE, et al.

Customer No.: 30827

Application No.: 10/663,997

Confirmation No.: 1982

Filed: September 17, 2003

Art Unit: 3749

For: TOP COVER STRUCTURE FOR A CLOTHES
DRYER (Amended)

Examiner: Stephen M. Gravini

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

The Applicants request a review of the final Office Action dated February 3, 2005 for the reasons discussed below.

The Office Action rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,195,910 to *Robineau* (hereinafter "*Robineau*"). Claim 1 is an independent claim with claims 2 and 3 depending therefrom. Claim 1 recites a clothes dryer comprising, among other features, "a control panel having a hook." In maintaining the rejection, the Office Action refers to col. 10, ll. 12-15 of *Robineau*. This portion states the following:

"The device-to-dryer first and second attachment components 94, 102 preferably include respective first and second strips of miniature hook and loop fibers commonly referred to as strips of VELCRO."

The Applicants provided a response, in the after final response filed on May 2, 2005 (hereinafter “response”) starting on page 4, last paragraph which extends to the top of page 5, giving an explanation as to why “the control panel having a hook “ in claims 1-3 is patentable over the reference to Velcro™ in *Robineau*.

The Office Action also rejected claims 4-6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,966,051 to *Gerhardt* (hereinafter “*Gerhardt*”). Claim 4 is an independent claim with claims 5 and 6 depending therefrom. *Gerhardt* does not disclose all the elements recited in claim 4. More specifically, claim 4 recites a laundry dryer comprising, among other features, a top cover which includes “a groove which runs along a width of the top cover wherein the groove directs fluid on the top cover toward an exterior of the laundry dryer.” *Gerhardt* does not disclose this feature. It should be mentioned that the Examiner did not indicate where *Gerhardt* discloses this feature.

Gerhardt does disclose a top cover 11, a basket tub B, a groove 41 and a clothes guard. However, the groove 41 is not disposed on the top cover 11. Instead, *Gerhardt* teaches that the groove 41 is on the clothes guard, where the clothes guard prevents clothes from escaping the basket tub B into an outer tub 21, thereby clogging the drain. Thus, the groove 41 described in *Gerhardt* does not direct fluid on the top cover toward an exterior of the laundry dryer, as recited in claim 4. Accordingly, the Applicants submit that claims 4-6 are patentable over *Gerhardt*.

The Office Action also provisionally rejected claims 1-6 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-25 of co-pending Application No. 10/629,775. As this is a provisional rejection, the Applicants will tend to this rejection upon an indication of allowability.

It must also be noted that the Examiner agreed that the pending claims are patentable over each of the above mentioned references. More specifically, in the Advisory Action dated May 17, 2005 (hereinafter "First Advisory Action"), the Examiner expressly stated that "[t]he supporting arguments raise new issues that would require further consideration and/or search." *See e.g.*, the First Advisory Action at page 2. Clearly, the Examiner agreed with the Applicants' arguments. As such, he should have issued either a Notice of Allowance or a new Office Action. He did neither.

Because the Examiner did not issue a Notice of Allowance or a new Office Action, the Applicants' representatives contacted the Examiner and, subsequently, the Examiner's Supervisor. Soon after, the Examiner issued another Advisory Action dated June 13, 2004 (hereinafter "Second Advisory Action"). In the Second Advisory Action, the Examiner stated that "the final Office Action is maintained because the claims are not considered allowable over the prior art." *See e.g.*, the Second Advisory Action at page 2. The Applicants submit that this position completely contradicts the position taken by the Examiner in the First Advisory Action.

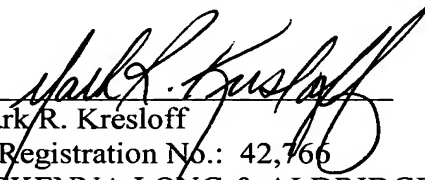
In light of the remarks noted above and the position taken by the Examiner in the First Advisory Action, the Applicants submit that the pending claims are patentable over the prior art cited in the February 3, 2005 final Office Action. Accordingly, the Applicants respectfully request that the PTO issue a Notice of Allowance or a new Office Action.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: August 3, 2005

Respectfully submitted,

By


Mark R. Kresloff

Registration No.: 42,766

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